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## VIA ELECTRONIC FILING (ECFS)

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Notice of *Ex Parte* Presentation: WT Docket 19-348  
Facilitating Shared Use in the 3.1-3.55 GHz Band

Dear Ms. Dortch:

On September 21, 2020, David Siddall, Washington Counsel to the ARRL, The national association for Amateur Radio (“ARRL”) met by telephone with Ira Keltz of the Office of Engineering and Technology and Matthew Pearl, Becky Tangren, Jessica Greffenius, Mary Claire York, Joyce Jones, and Jonathan Markman of the Wireless Telecommunications Bureau to discuss the draft Report and Order (“R&O”) and Further Notice of Proposed Rulemaking (“FNPRM”) in the above-referenced proceeding.<sup>1</sup> The discussion during the meeting was consistent with the Comments filed by ARRL earlier in this proceeding.<sup>2</sup>

The ARRL opposes deletion of the Amateur secondary allocation at 3.3-3.5 GHz in the Table of Frequency Allocations.<sup>3</sup> Continued secondary status for Amateur Radio does

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<sup>1</sup> *Facilitating Shared Use of the 3.1-3.55 GHz Band*, Draft Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 19-348, FCC-CIRC2009-01 (Sept. 9, 2020).

<sup>2</sup> Comments of ARRL, The national association for Amateur Radio, submitted in WT Docket No. 19-348 (dated Feb. 21, 2020).

<sup>3</sup> 47 C.F.R. § 2.106.

not, and will not, impair or devalue use of this spectrum by any primary licensee intending to provide 5G or other service.

The secondary allocation requires that amateur stations using the 3.3-3.5 GHz spectrum must not cause harmful interference to, and must accept interference from, all primary users.<sup>4</sup> Amateur Radio operators using these bands are technically proficient and have a long history of sharing with primary users in this and other bands without causing interference. Although we expect more intensive use by non-federal primary licensees in the 3.45-3.5 GHz portion of the secondary band, as well as eventually in the spectrum below that, continued amateur operations on the same secondary basis as they are conducted today are feasible.

Radio Amateurs have a remarkable history of putting unused spectrum to good use for the public benefit by, among other endeavors, developing interest among this nation's youth in STEM projects; developing new and innovative digital techniques related to the radio art; freely using private resources and equipment for the public good; and employing networks and associated equipment to assist with needed communications during times of disaster or other emergency. There is a misconception that in today's world the communications infrastructure is indestructible. Events have proven otherwise. One from among multiple recent examples is set forth by the Amateur Television Network ("ATN") in its comments. In the context of explaining why other spectrum will not suffice for secondary amateur operations in the 3.4 GHz band, ATN included a magazine article describing amateur efforts during the uncontrolled wildfires on the West Coast last year. One line in that article stands out. **"Public communications in affected area (*sic*) were reduced to three sources: Broadcast radio, face-to-face and, of course, amateur radio."**<sup>5</sup>

Over 300 individual radio amateurs and clubs submitted comments in this proceeding opposed to deleting secondary status. No commenter offered reasons for deleting amateur secondary status. Statements that the spectrum should be cleared of all secondary users do not address the fact that secondary status preserves the ability of new primary licensees to use the spectrum at any time for any purpose. There is no diminution or devaluation caused secondary uses.

Amateur secondary uses are analogous to experimental uses under the Commission's Part 5 regulations, which the Commission is proposing to allow continued access in this spectrum. Both have the identical obligation to not cause interference to primary users. There is no public benefit to prohibiting use of available spectrum capacity in this band based upon issuing a license but before construction of facilities. Doing so would waste valuable spectrum capacity. The Commission's proposed construction requirements of 8 and 12 years from issuance of a license evidence the expectation that

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<sup>4</sup> This obligation derives from secondary allocational status, 47 C.F.R. § 2.106; and also is explicitly stated in the Commission's regulations governing amateur radio operation at 47 C.F.R. § 97.303(b): "Amateur stations transmitting in the ... 9 cm band ... must not cause harmful interference to, and must accept interference from, [primary licensees]."

<sup>5</sup> See Comments of Amateur Television Network at pp. 4-5 and Appendix 3 (CQ Magazine, January, 2020 at p. 62).

build-out will not happen everywhere instantly. But even if construction happened overnight, radio amateurs are secondary and would have to resolve any problems or cease transmissions.

Two issues were brought up in this discussion that were not addressed in ARRL's comments. One addressed how amateur radio operations could be located. All amateur transmissions are required to be in the clear (unencrypted) and the source can be determined by the callsign which is required to be included in transmissions. The callsign can be used to locate the licensee responsible for the transmissions using the FCC's ULS database or any of a number of other databases maintained on the Internet. We also noted in further response that there is precedent in the Amateur rules for a notification requirement if deemed needed.<sup>6</sup>

The other issue was whether continued secondary amateur operations would affect the value and utility of the spectrum to new primary users. It would have no effect. New primary users will acquire an absolute right to use the spectrum interference-free, and radio amateurs operating on these frequencies are technologically savvy and experienced in engineering stations to avoid interference. This has been demonstrated over many years on this and other shared bands.

We also addressed two issues in the draft FNPRM. There is no basis upon which to consider using 3.4 GHz as a band edge for amateur secondary uses given that the band 3.3-3.45 GHz is not subject to change as a result of the current proceeding. Amateurs employ signal powers that are orders of magnitude below those generally used by federal radar and other users. In any event, as a secondary user, all primary users are protected throughout the 3.3-3.5 GHz band.

Finally, the draft FNPRM suggests that amateurs vacate the spectrum when the first licenses are issued. For the reasons stated above, continued operation should be permitted until and unless an actual potential for interference exists. The Commission should not intentionally leave the spectrum vacant and unused -- wasting the public resource -- when radio amateurs can use some portion of it in some geographic areas for the public benefit with no detriment to any other licensee. Such a decision would be counter to the very purposes of this proceeding to use spectrum productively and efficiently for the public benefit.

In conclusion, ARRL requests that the amateur secondary allocation for 3.3-3.5 GHz continue without change for the reasons stated above. Alternatively, should the Commission conclude that additional consideration is needed (and we do not think that it is), the issue could be moved to the FNPRM.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being electronically filed in the above-referenced docket and a copy e-mailed to each participant. Please refer any questions to David Siddall at the above address and phone number.

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<sup>6</sup> See 47 C.F.R. Part 97.303(g).

Respectfully submitted,

A handwritten signature in blue ink, reading "DR Siddall". The initials "DR" are written in a stylized, cursive font, followed by the name "Siddall" in a similar cursive script.

David R. Siddall  
ARRL Washington Counsel

cc:

Ira Keltz  
Matthew Pearl  
Becky Tangren  
Jessica Greffenius  
Mary Claire York  
Joyce Jones  
Jonathan Markman